

BILL NO. Z-87-06-33

ZONING MAP ORDINANCE NO. Z-

15-87

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. S-14.

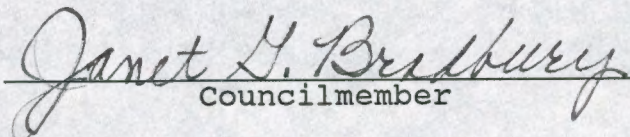
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a POD (Professional Office) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

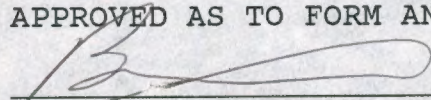
The East 2 acres of the West 8 acres of the North 962.5
feet of the East Half of the Southeast Quarter of
Section 32, Township 31 North, Range 13 East, Allen
County, Indiana, more particularly described as
follows, to-wit: Beginning at a point in the middle of
East State Street Extended 960.96 feet West of the
Northeast corner of the East Half of the Southeast
Quarter of Section 32, Township 31 North, Range 13
East; thence South 962.5 feet to a stake; thence west
90.51 feet; thence North 962.5 feet to the center line
of East State Street Extended; thence East 90.51 feet
along the center line of said Street to the place of
beginning; EXCEPTING THEREFROM that portion thereof
appropriated for widening of East State Street; AND The
East 90.51 feet of the West 271.54 feet of the North
962.5 feet of the East Half of the Southeast Quarter of
Section 32, Township 31 North, Range 13 East, in Allen
County, Indiana, containing 2.00 acres, more or less,
EXCEPTING THEREFROM that portion thereof appropriated
for the widening of East State Street.

and the symbols of the City of Fort Wayne Zoning Map No.
S-14, as established by Section 11 of Chapter 33 of the Code
of the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY:


BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Bradbury
seconded by Salovey, and duly adopted, read the second time
by title and referred to the Committee Regulators (and the C:
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Way
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ .M., I

DATE: 6-23-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury
seconded by Salovey, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u>1</u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>EISBART</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 7-14-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. 3-15-87
on the 14th day of July, 1987,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark E. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 15th day of July, 1987
at the hour of 11:30 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of July
1987, at the hour of 9:00 o'clock AM, E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

RECEIPT

No 1195

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 5/15 19 87

RECEIVED FROM

Rosalie L. Dalleniger \$ 50.00

THE SUM OF

Fifty 100 DOLLARS

ON ACCOUNT OF

14022 & 4416 E. State
Kegone

AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

~~I/We~~ Mary J. Tippmann (widow of Vincent O. Tippmann), Kenneth D. Widdifield and Lois G. Widdifield (Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from ~~a/an~~ RB District to a ~~an~~ POD District the property described as follows:

All ~~the North~~ of the following described tract: (D.R. 553, page 104)

The East 2 acres of the West 8 acres of the North 962.5 feet of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to-wit: Beginning at a point in the middle of East State Street Extended 960.96 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 962.5 feet to a stake; thence west 90.51 feet; thence North 962.5 feet to the center line of East State Street Extended; thence East 90.51 feet along the center line of said Street to the place of beginning; EXCEPTING THEREFROM that portion thereof appropriated for widening of East State Street; AND (continued on reverse)

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 4422 E. State and 4416 E. State

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Mary J. Tippmann	4422 E. State Ft. Wayne, IN 46815
Kenneth D. Widdifield	4416 E. State Ft. Wayne, IN 46815
Lois G. Widdifield	4416 E. State Ft. Wayne, IN 46815
(Name)	(Address)

Mary J. Tippmann
Kenneth D. Widdifield
Lois G. Widdifield
(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____ (OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

William D. Swift	590 Lincoln Tower Ft. Wayne, IN 46802	423-4422
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

All

~~The North~~ ~~xxxxxxx feet~~ of the following described tract: (D.R. 386, p. 496)

The East 90.51 feet of the West 271.54 feet of the North 962.5 feet of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, containing 2.00 acres, more or less, EXCEPTING THEREFROM that portion thereof appropriated for the widening of East State Street

Owners of Property

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on June 23, 1987 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-87-06-33; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 15, 1987.

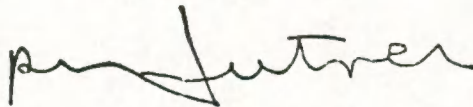
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 22, 1987.

Certified and signed this
25th day of June 1987.



Robert Hutner
Secretary

ORIGINAL

Admn. Appr. _____

COUNCILMANIC DISTRICT No. _____

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CDYP

SYNOPSIS OF ORDINANCE 4416 & 4422 E. State Street

3-87-0633

EFFECT OF PASSAGE Property is presently zoned RB - Suburban Residential.

Property will become POD - Professional Office District.

EFFECT OF NON-PASSAGE Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

Division of Community Development & Planning

FACT SHEET

2-07-00-33

BILL NUMBER

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From RB to POD

DETAILS

Specific Location and/or Address <p>4416 & 4422 E. State Blvd.</p>
Reason for Project <p>Professional Office Development</p>
Discussion (Including relationship to other Council actions) <p><u>15 June 1987 - Public Hearing</u></p> <p>Wayne Witmer, attorney stated that the staff analysis points out that the State Street area is one that is somewhat in transition. He stated it also points out that the location of the property puts it in close proximity to other office uses as well as commercial uses in the area. He stated the staff points out that the highest and best use of the property appears to be consistent with the use they are proposing. He stated that in regard to the primary development plan they have no problem with the conditions required.</p> <p>Patricia Kahn, 1915 Clarmarnic Drive stated that their only entrance to State Street is through Mathais. She stated that there are 50 families in the addition that have to battle the traffic. She stated that the traffic is very congested already and they presently have a dentist office on one corner and a CPA in the neighborhood who are generating a great deal of traffic and adding congestion to the area. She questioned how much traffic this would be creating. She felt there was no need for more offices in the area.</p>

POSITIONS

RECOMMENDATIONS

Sponsor	<p>City Plan Commission</p>
Area Affected	<p>City Wide</p> <p>Other Areas</p>
Applicants/Proponents	<p>Applicant(s) Mary Tippman, Kenneth & Lois Widdifield</p> <p>City Department</p> <p>Other</p>
Opponents	<p>Groups or Individuals</p> <p>Patricia Kahn</p> <p>Basis of Opposition</p> <p>-add to heavy traffic congestion in area</p>
Staff Recommendation	<p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p>Reason Against</p>
Board or Commission Recommendation	<p>By</p> <p><input checked="" type="checkbox"/> For <input type="checkbox"/> Against</p> <p><input type="checkbox"/> No Action Taken</p> <p><input type="checkbox"/> For with revisions to condition (See Details column for condition</p>
CITY COUNCIL ACTIONS (For Council use only)	<p><input type="checkbox"/> Pass <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold</p> <p><input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pas</p>

DETAILS

Wayne Witmer stated that the other developments in the area and the difficulties that the residents have with them should not effect their requested development. He stated that they certainly will live within the guidelines of the staff recommendation including the deceleration lane which should aid the traffic flow. He stated that they will have only one access on State Blvd.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

22 June 1987 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO PASS recommendation.

Of the 6 members present 5 voted in favor of the recommendation one (1) did not vote.

Motion carried.

NOTE: Any conditions placed on the POD would be placed on the development plan and not on the rezoning and would have to be satisfied before any building permits would be issued.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 15 May 1987

Projected Completion or Occupancy

Date 25 June 1987

Fact Sheet Prepared by

Date 25 June 1987

Patricia Biancaniello

Reviewed by

Date

Gary Baxter
Reference or Case Number

30 June 1987

BILL NO. Z-87-06-33

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~)

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG

LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON

Charles B. Redd CHARLES B. REDD
VICE CHAIRMAN

Thomas C. Henry THOMAS C. HENRY

Paul M. Burns PAUL M. BURNS

Ben A. Eisbart BEN A. EISBART

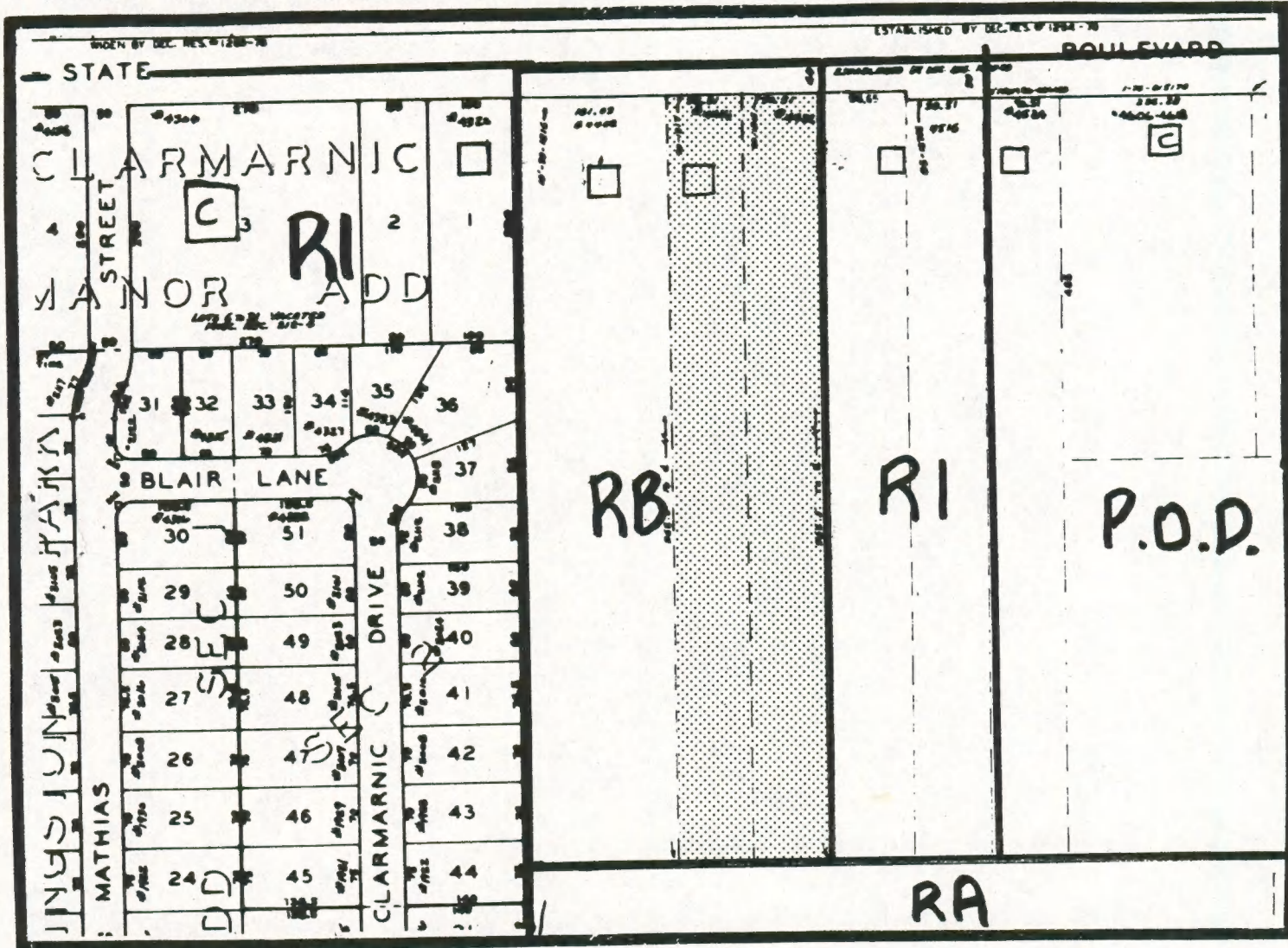
CONCURRED IN 7-14-87

SANDRA E. KENNEDY
CITY CLERK

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM AN RB DISTRICT TO A P.O.D. DISTRICT.

MAP NO. 5-14

COUNCILMANIC DISTRICT NO. 2



ZONING:

RI RESIDENTIAL DISTRICT
 RA RESIDENCE 'A'
 RB RESIDENCE 'B'
 P.O.D. PROFESSIONAL OFFICE DISTRICT

LAND USE:

☐ SINGLE FAMILY
☒ COMMERCIAL

SCALE: 1" = 200'

DATE: 5-29-87

